Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Sri Lanka (CRC/C/LKA/5-6) at its 2254th and 2255th meetings (see CRC/C/SR.2254 and 2255), held on 15 and 16 January 2018, and adopted the present concluding observations at its 2282nd meeting, held on 2 February 2018.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/LKA/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification, in 2016, of the Convention on the Rights of Persons with Disabilities. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the National Plan of Action for Children of Sri Lanka (2016–2020), the plan of action on social protection for children (2016–2019) and the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence. It further welcomes the reconciliation efforts made by the State party to date and the progress made in reducing child and maternal mortality.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence, including corporal punishment (para. 21), sexual exploitation and abuse (para. 23), economic exploitation, including child labour (para. 41), administration of juvenile justice (para. 45) and reconciliation, truth and justice (para. 47).

* Adopted by the Committee at its seventy-seventh session (14 January–2 February 2018).

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A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

5. **The Committee recommends that the State party:**

(a) **Transpose the Convention into its national legislation to ensure that all the principles and provisions of the Convention can be applied by the judicial and administrative authorities;**

(b) **Expedite the adoption of the bill on judicial protection for children;**

(c) **Ensure that domestic legislation, including any local or customary laws, is brought into compliance with the Convention.**

Comprehensive policy and strategy

6. **The Committee recommends that the State party:**

(a) **Increase its efforts to implement the National Plan of Action for Children of Sri Lanka (2016–2020) and allocate the necessary human, technical and financial resources;**

(b) **Adopt the National Child Protection Policy, ensure that it is in line with the Convention and allocate the necessary resources for its implementation.**

Coordination

7. **The Committee recommends that the State party ensure that the National Child Protection Authority is independent, reports to a level above any one government department, is able to continue to fully exercise its functions under any circumstances and is adequately resourced.**

Allocation of resources

8. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs of children, with a special additional focus on children in disadvantaged and vulnerable situations, and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights;**

(b) **Increase the budget allocated to social sectors, in particular health and education, address disparities on the basis of indicators related to children's rights and define earmarked budgetary lines that which are protected, including in the context of crises, disasters or emergencies, for children in disadvantaged or vulnerable situations;**

(c) **Establish a mechanism to evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of children's rights and strengthen efforts to prevent and prosecute corruption.**

Data collection

9. **The Committee reiterates its previous recommendations (see CRC/C/LKA/CO/3-4, para. 21), and encourages the State party to set up a comprehensive data-collection system with the support of its partners and to analyse the data collected as a basis for assessing progress achieved in the realization of children's rights and for helping to design policies and programmes to implement the Convention. The data collected should be disaggregated by, inter alia, age, sex, ethnicity, geographic location and socioeconomic background to facilitate analysis of the situation of all children. The State party should ensure that information collected contains up-to-date data on a wide range of children in marginalized and vulnerable situations, including children with disabilities, in poverty and in street situations. The**

Committee urges the State party to develop and implement a policy to protect the privacy of all children who have been registered in the national databases.

Independent monitoring

10. **While welcoming the strengthening of the Human Rights Commission of Sri Lanka following the nineteenth amendment to the Constitution and the development of a new strategy document for 2016–2019, the Committee, with reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, recommends that the State party continue its efforts to:**

(a) **Ensure the independence of the Human Rights Commission of Sri Lanka, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(b) **Allocate the necessary human, financial and technical resources to enable the Human Rights Commission of Sri Lanka to carry out its responsibilities effectively;**

(c) **Engage with the Global Alliance of National Human Rights Institutions and the Office of the United Nations High Commissioner for Human Rights with regard to its accreditation status;**

(d) **Establish a specific mechanism for monitoring children's rights.**

Dissemination, awareness-raising and training

11. **The Committee recommends that the State party continue to:**

(a) **Increase awareness-raising activities in all languages to ensure that, among adults and children, there is widespread familiarity with and understanding of the importance of children's rights and their implementation and all the principles and provisions of the Convention;**

(b) **Conduct specific training sessions on the Convention and its Optional Protocols for relevant groups of professionals, including the judiciary, law enforcement and military personnel, teachers, health-care personnel, social workers and the media;**

(c) **Vigorously address the low rate of recognition of children's rights and of actors working on children's rights in society.**

Cooperation with civil society

12. **The Committee, while welcoming the cooperation with non-governmental organizations (NGOs) in certain fields and recalling the 2017 concluding observations of the Committee against Torture (see CAT/C/LKA/CO/5, paras. 39–40), urges the State party to ensure that child rights defenders can safely carry out their functions in a manner consistent with the principles of a democratic society, that all instances of arbitrary arrest, intimidation and harassment of these activists are promptly and independently investigated and that those responsible for such abuses are held accountable.**

Children's rights and the business sector

13. **Noting with concern the continuing negative impact of private domestic and foreign business and industries on children, including on tea plantations and in the construction, textiles and tourism industries, the Committee, with reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, urges the State party to:**

(a) Establish a clear regulatory framework for domestic and foreign businesses, ensuring that they are legally accountable and that their activities do not negatively affect human rights or contravene environmental and other standards, especially those relating to children's rights;

(b) Undertake awareness-raising campaigns, targeting the tourism industry and the general public, on the prevention of child sexual exploitation in travel and tourism and widely disseminate the charter of honour for tourism and the World Tourism Organization's Global Code of Ethics for Tourism among travel agents and within the tourism industry;

(c) Strengthen training for the police on investigative and computer evidence-gathering techniques to identify perpetrators of child sexual exploitation in travel and tourism and chat room paedophiles and ensure that perpetrators of child sexual exploitation in travel and tourism are brought to justice. It also urges the State party to strengthen international cooperation through multilateral, regional and bilateral arrangements to prevent and eliminate child sex tourism;

(d) Request companies to carry out and disclose to the public environmental, health-related and human rights impact assessments of their activities.

B. Definition of the child (art. 1)

14. The Committee recommends that the State party make the necessary legal amendments to establish an overarching definition of the child and eliminate the inconsistencies regarding the age of majority, ensuring that it is raised to 18 years in every piece of legislation, without any possibility for exceptions.

15. Noting that, under the Muslim Marriage and Divorce Act, girls aged under 12 years may be married with the permission of a *quazi* (Muslim judge ruling on family matters), the Committee urges the State party to expeditiously increase the minimum age of marriage for all to 18 years of age without exceptions, including by amending article 16 of the Constitution in this regard.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

16. The Committee urges the State party to take awareness-raising measures targeted at adults and children to overcome the prevalent perception that children are inferior to adults and to treat children as rights holders. Furthermore, the Committee recommends that the State party:

(a) Ensure compliance with article 2 of the Convention by incorporating the principle of non-discrimination into its domestic legislation and conduct an in-depth revision of its legislation, in order to fully guarantee non-discrimination in law and practice;

(b) Adopt a proactive and comprehensive strategy containing specific and well-targeted action, including affirmative social actions to eliminate discrimination against children in marginalized or vulnerable situations, including girls, children belonging to ethnic or ethnoreligious or indigenous minority groups, children subjected to caste-based discrimination, children living in rural areas, refugee and internally displaced children, children in street situations, children of migrant workers abroad, children in institutional care, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(c) Combat discrimination against lesbian, gay, bisexual, transgender and intersex children, including by decriminalizing consensual same-sex sexual acts, prohibit the harassment of transgender children by law enforcement personnel and bring perpetrators of violence, including of sexual abuse of lesbian, gay, bisexual, transgender and intersex children, to justice;

(d) **Ensure that girls covered by Muslim law are provided with rights on equal terms with boys, including the right to inheritance;**

(e) **Mobilize communities and the public at large by making systematic efforts, in collaboration with the mass media, social networks and community and religious leaders, to combat and change discriminatory attitudes towards and practices concerning children in general and children in disadvantaged and marginalized situations;**

(f) **Include segments on non-discrimination and equality in the mandatory school curriculum for children of all ages, adapt teaching materials and regularly train teachers accordingly.**

Right to life, survival and development

17. **The Committee encourages the State party to continue to intensify its landmine-awareness programmes and demining activities and its assistance to and rehabilitation services for child landmine victims.**

Respect for the views of the child

18. **Recalling its general comment No. 12 (2009) on the right of the child to be heard and noting with concern that this right continues to be insufficiently implemented, the Committee recommends that the State party duly include the right of the child to be heard in all relevant legislation. Training of relevant professionals and awareness-raising measures should be undertaken to ensure that the right is consistently applied in all judicial and administrative proceedings affecting children and in family, school and community settings.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration/Name and nationality

19. **In spite of the high rate of birth registration in the State party, a significant number of births remain unregistered among certain marginalized groups. The Committee, taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, recommends that the State party further raise awareness on the importance of birth registration and simplify the procedure, including by creating mobile registration structures, in particular for those children who were not registered within established timelines.**

Freedom of association

20. **The Committee recommends that the State party revise its Prevention of Terrorism Act to bring it into line with children's rights standards and to refrain from using this piece of legislation to restrict the freedom of association of children, in particular children suspected of alleged terrorist activities.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Violence, including corporal punishment

21. The Committee, while noting with appreciation that the State party has accepted a recommendation issued in the course of the universal periodic review in November 2017 that corporal punishment should be prohibited in all settings, is deeply concerned that high numbers of children are subjected to abuse and violence, including corporal punishment, and that corporal punishment remains legal in the home, alternative care settings, penal institutions and schools.

22. **The Committee, recalling its previous recommendations (see CRC/C/LKA/CO/3-4, para. 41, and CRC/C/15/Add.207, para. 29), and with reference to its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, urges the State party to prioritize the elimination of all forms of violence against children and to:**

(a) **Prohibit unequivocally by law, and without any further delay, corporal punishment, however light, in all settings, repeal any legal defence concerning its use and ensure that the relevant laws are effectively implemented and that legal proceedings are systematically initiated upon their breach;**

(b) **Increase the capacity of relevant groups of professional, in particular law enforcement officers, health personnel, social workers and the judiciary, including *quazis*, to handle cases of violence against children, including the capacity to bring cases of domestic child abuse under the Prevention of Domestic Violence Act;**

(c) **Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects of corporal punishment, with a view to changing the general attitude towards this practice, ensure children's involvement in the design of prevention strategies and promote positive, non-violent, participatory forms of child-rearing and discipline as an alternative to corporal punishment;**

(d) **Regularly monitor the situation of children in all places of detention, install closed complaint boxes in prisons, police stations and remand homes to enable children to confidentially complain about torture or ill-treatment when in detention, and ensure unimpeded access by the Human Rights Commission of Sri Lanka to police stations and detention facilities;**

(e) **Allocate all necessary resources to efforts to implement the national plan of action to prevent child abuse (2016 onwards) and to ensure that efficient follow-up measures are taken where child abuse is reported via helplines.**

Sexual exploitation and abuse

23. Despite noting the efforts to combat the sexual exploitation and abuse of children, the Committee is gravely concerned about:

(a) The high number of cases of sexual exploitation and abuse of children, including in alternative care institutions, religious institutions, the community and the home, child prostitution and online child sexual exploitation and abuse, including child pornography, with regard to which a climate of impunity frequently prevails;

(b) The lack of legal recognition of male rape and underreporting of sexual abuse of boys because of stigmatization, criminalization of homosexuality and feelings of shame concerning so-called "emasculation";

(c) Lengthy prosecutions leading to revictimization in child sexual abuse cases and the lack of access to fundamental legal guarantees and due process for child victims of sexual exploitation and abuse;

(d) The low rate of conviction for sexual abuse of children by members of the Sri Lankan military contingents deployed as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH).

24. **The Committee urges the State party to develop an effective and comprehensive policy for preventing the sexual exploitation and abuse of children, including through child pornography, and for promoting the recovery and social reintegration of child victims, taking into consideration the root causes that place children at risk. It further urges the State party to:**

(a) Strengthen legislation criminalizing child pornography and also ensure its criminalization under the Computer Crimes Act of 2007;

(b) Take prompt measures to revise article 363 of the Penal Code to criminalize statutory rape of boys and take large-scale awareness-raising measures to encourage the reporting of rape of boys, to eliminate the associated stigma and to ensure accessible, confidential, child-friendly and effective channels for the reporting of such violations;

(c) Conduct awareness-raising and education programmes and campaigns aimed at preventing and responding to the sexual exploitation and abuse of children, including child prostitution, targeting parents, children and community members;

(d) Ensure the systematic and timely investigation of complaints, protect victims against acts of reprisal and ensure full respect for the confidentiality of child victims, including through the use of closed court proceedings in cases of child sexual abuse and exploitation, and bring perpetrators to justice;

(e) Bring members of the armed forces who sexually abused and exploited children while serving with MINUSTAH to justice expeditiously and ensure reparation for child victims.

Gender-based violence

25. **While noting with appreciation the initiatives taken to tackle gender-based violence against girls, such as the National Plan of Action to address Sexual and Gender-based Violence (2016–2020), the establishment of women's and children's desks in several police stations and gender-based violence desks in several hospitals, the Committee is gravely concerned at the continuing high prevalence of gender-based violence against girls and recommends that the State party:**

(a) Strengthen legislation punishing gender-based violence, criminalize as marital rape sexual intercourse in all circumstances where the consent of the spouse is missing and remove any requirement to participate in mediation prior to pursuing a case in court;

(b) Remove from article 363 (e) of the Penal Code, on statutory rape, exceptions related to marital status for girls under the age of 16 years;

(c) Take large-scale awareness-raising measures, including through mandatory segments in the school curriculum, cooperation with community and religious leaders and the mass and social media, to remove the strong stigma and fear of acts of reprisal that deter girls who are victims and witnesses from reporting violence and to change persisting patriarchal attitudes and eliminate discriminatory stereotypes that are a major root cause of sexual and gender-based violence and that perpetuate the associated culture of impunity;

(d) Increase the number of safe houses for women and child victims, placing a specific focus on ensuring provision of shelter for internally displaced women and girls;

(e) Provide regular substantive training for the judiciary, the police and other relevant groups of professionals on the Prevention of Domestic Violence Act and on standardized, gender- and child-sensitive procedures for dealing with victims and ensure that perpetrators are brought to justice;

(f) Ensure that complaints can be made and that all support is available in all languages to victims of gender-based violence.

Harmful practices

26. **The Committee recommends that the State party:**

(a) Ban, as currently under discussion, female (circumcision) for girls, a form of genital mutilation practised by the Dawoodi Bohra community and carry out

awareness-raising activities, including campaigns, on the patriarchal nature of this practice and its negative effects on health;

(b) In the light of the prevalence of child marriage, including within the Vedda community, take all necessary steps to eliminate the practice of marriage under the age of 18 years.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

27. The Committee, in the light of its general comment No. 22 (2017) on the general principles regarding the human rights of children in the context of international migration, issued jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and in view of the relatively high number of parents who migrate abroad for work, leaving their children behind, recommends that the State party:

(a) Step up efforts to provide adequate support and work opportunities within the State party to families in disadvantaged and marginalized situations;

(b) Establish adequate care options, avoiding institutionalization for children whose parents decide to migrate for work, and provide specific measures of support for these children, who are often subjected to dire situations;

(c) Create incentives for parents to return, as well as enter into diplomatic agreements with the destination countries to ensure their right to freely leave their employer, visit and reunite with their children.

Children deprived of a family environment

28. The Committee, drawing the State party's attention to the Guidelines for the Alternative Care of Children, emphasizes that financial and material poverty should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration, and recommends that the State party:

(a) Ensure that families who are destitute are provided with the necessary means to provide care for their children;

(b) Support and facilitate care for children in their families of origin, including single-parent families, establish a system of foster care for children who cannot stay with their families, with a view to reducing the high rate of institutionalization of children, and implement mechanisms to expand and stimulate the reintegration of children into their families;

(c) Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining placement in alternative care and strengthen the periodic review of the placement of children in alternative care;

(d) Enforce mandatory registration for childcare institutions, particularly in the north and east; criminalize the act of running a childcare institution without a license; establish a uniform set of standards for public and private institutions and voluntary homes; improve conditions in those facilities; monitor the quality of care provided therein by means of unannounced visits where children are heard without the presence of staff; provide accessible channels for reporting maltreatment, sexual abuse and exploitation of children; and ensure that perpetrators are brought to justice;

(e) Ensure that children in need of care are under no circumstances placed together with children in conflict with the law;

(f) Ensure that children who are institutionalized can access good quality education and quality health services.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

29. **The Committee, with reference to its general comment No. 9 (2006) on the rights of children with disabilities, recommends that the State party:**

(a) **Adopt a human rights-based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities in all public policies and programmes;**

(b) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities, promote a positive image of such children and ensure that they are not portrayed as objects of charity, but as rights-holders;**

(c) **Collect disaggregated data on children with disabilities of all ages and improve early intervention services;**

(d) **Guarantee the right to education for all children with disabilities and promote and strengthen inclusive education.**

Health and health services

30. **While noting with appreciation the provision of free health care to all citizens, the Committee, with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, recommends that the State party:**

(a) **Address the regional disparities in terms of health care, increase the number of health personnel, particularly in rural and remote areas, and educate specialists in fields where capacity is currently lacking, especially in mental, sexual and reproductive health services;**

(b) **Combat high out-of-pocket health expenses, high prices of medicines and expensive private medical care, with a view to ensuring that each child has equal access to quality public health care.**

Mental health

31. **The Committee recommends that the State party strengthen its efforts to prevent adolescent suicides, including by increasing available psychological counselling services and social workers and training professionals working with children to identify and address mental health problems and suicidal tendencies, and carry out campaigns to raise awareness on the issue.**

Adolescent health

32. **The Committee, with reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, recommends that the State party:**

(a) **Ensure that age-appropriate sexual and reproductive health education is part of the mandatory school curriculum, paying special attention to preventing early pregnancy and sexually transmitted infections;**

(b) **Ensure access to safe and confidential abortion without stigmatization and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration;**

(c) **Foster responsible parenthood and sexual behaviour, focusing in particular on boys.**

Drug and substance abuse

33. **The Committee recommends that the State party:**

(a) **Strengthen efforts to address the relatively high rates of consumption of tobacco and alcohol among adolescents, including by strictly prohibiting the advertising and sale of all forms of those substances to children and by raising awareness at school in that regard;**

(b) **Provide children with accurate and objective information and life-skills education on preventing substance abuse, in collaboration with the mass media and social networks;**

(c) **Train teachers to identify and address drug dealing on school premises;**

(d) **Develop accessible and youth-friendly drug-dependence treatment and harm-reduction services, in particular in the north and east, and make the necessary legislative amendments to ensure that children are not detained for drug use.**

Nutrition

34. **Taking note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, the Committee recommends that the State party effectively address malnutrition, particularly with regard to stunting, wasting, low weight and anaemia, and carry out public awareness programmes on proper infant and young child feeding practices.**

Environmental health

35. **The Committee urges the State party to significantly reduce the very high use of agrochemicals, which are harmful to the health of children, and to establish an effective monitoring system in this regard.**

Impact of climate change on the rights of the child

36. **The Committee draws attention to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management, and recommends that the State party increase children's awareness of and preparedness for climate change and natural disasters by incorporating the topic into the school curriculum and teacher-training programmes.**

Standard of living

37. **While welcoming the general reduction in poverty rates, the Committee, taking note of target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, recommends that the State party further increase its efforts to tackle high poverty rates and inequality. In this regard the State party should:**

(a) **Strengthen its child-centred measures, paying special attention to the most disadvantaged groups, including children and families living in rural areas, child workers and children in single-parent households;**

(b) **Place particular emphasis on support for and empowerment of women-headed households;**

(c) **Adopt an adequate legal framework providing protection against forced eviction.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

38. **While noting with appreciation the near-universal enrolment of girls and boys in primary education and the raising of the age until which children must remain in**

education from 14 to 16 years, the Committee, with reference to its general comment No. 1 (2001) on the aims of education, recommends that the State party:

(a) **Address, with the necessary budget allocation, the regional disparities in school infrastructure and quality teaching, including by ensuring the availability of qualified school personnel, providing quality education in all languages, aligning curriculum contents and improving technical and infrastructural facilities;**

(b) **Protect children, in particular girls, from harassment, abuse and violence in schools and on their way to and from school, and combat discriminatory gender stereotypes in education programmes;**

(c) **Ensure that pregnant girls and adolescent mothers are under no circumstances pressured into dropping out of school and are supported in continuing their education in mainstream schools;**

(d) **Address the significant school dropout rate in rural areas and long-term absences, including by making available adequate transportation systems, and develop and promote quality vocational training to enhance the skills of children, especially those who drop out of school and children in street situations;**

(e) **Strengthen efforts to eradicate all hidden costs of schooling, in particular the practice of donations for school admittance that constitute de facto bribes;**

(f) **Provide school re-entry programmes for victims of child marriage.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Internally displaced children

39. **The Committee recommends that the State party continue its efforts to find sustainable solutions for internally displaced children and their families and that it:**

(a) **Address all factors that impede the return or resettlement of internally displaced children and their families;**

(b) **Provide compensation and assistance to internally displaced families and make sure that their basic infrastructural needs are met upon resettlement, including access to schools and hospitals;**

(c) **Ensure that internally displaced children and their families living in camps have access to sufficient and safe water and sanitation facilities, electricity, schools and health care;**

(d) **Ensure that internally displaced Muslim children and their families from Northern Province are fully included in return or resettlement initiatives.**

Children belonging to minority or indigenous groups

40. **The Committee urges the State party to significantly strengthen measures to combat discrimination against children belonging to ethnic, ethnoreligious and indigenous minority groups, and to:**

(a) **Ensure that the rights, traditions and lands of the indigenous Vedda children and their families are preserved and tackle the socioeconomic marginalization and discrimination to which they are subjected;**

(b) **Adopt and provide adequate resources for the implementation of legislation, strategies and awareness-raising measures to combat caste-based discrimination and train the judiciary and law enforcement personnel accordingly;**

(c) **Increase efforts to prevent hate speech, incitement to violence and violent attacks, including riots, against ethnic, ethnoreligious and indigenous minority groups.**

Economic exploitation, including child labour

41. While noting the efforts undertaken by the State party to eliminate child labour, including the National Policy on Elimination of Child Labour in Sri Lanka, the Committee notes with deep concern that a considerable number of children are economically active, including as street vendors and in domestic service, agriculture, mining, construction, manufacturing, transport and fishing, and that children are reportedly trafficked for the purposes of forced domestic work.

42. **The Committee urges the State party to:**

(a) **Further strengthen and implement existing legislation, with a view to ensuring that all hazardous or abusive forms of labour are prohibited for children under 18 years of age, and adopt specific measures to address the situation of child domestic workers;**

(b) **Establish a strong component of the labour inspectorate responsible for monitoring child labour cases;**

(c) **Increase efforts to ensure that perpetrators of exploitation of child labour and perpetrators of trafficking in children for the purposes of labour exploitation are brought to justice.**

Children in street situations

43. **The Committee, with reference to its general comment No. 21 (2017) on children in street situations, recommends that the State party:**

(a) **Assess the number of children in street situations and study the root causes of the phenomenon;**

(b) **Increase its efforts and develop, adequately resource and implement a specific strategy on children in street situations that complements the strategies already included in the National Plan of Action for Children in Sri Lanka (2016–2020) and respects the views, autonomy and diversity of such children;**

(c) **Ensure that children in street situations are under no circumstances placed in detention merely for being in the street, that institutionalization is employed only as a measure of last resort where reintegration with family or foster care is not available and that, when implementing reintegration measures, the child's best interests are fully respected and due weight is given to his or her views, according to age and maturity.**

Sale, trafficking and abduction

44. **While noting with appreciation the National Strategic Plan to Monitor and Combat Human Trafficking (2015–2019), the Committee recommends that the State party:**

(a) **Strengthen anti-trafficking legislation and impose adequate sanctions for trafficking in children;**

(b) **Increase resources allocated to the investigation of cases of trafficking in children and ensure that perpetrators are brought to justice;**

(c) **Cooperate with neighbouring countries and NGOs to set up prevention and awareness-raising mechanisms;**

(d) **Increase the resources allocated to support physical and psychological recovery for all child victims of sale or trafficking.**

Administration of juvenile justice

45. The Committee is seriously concerned that:

(a) At 8 years, the current age of criminal responsibility is extremely low;

(b) Children over the age of 16 years continue to be excluded from the protection of the Children and Young Persons Ordinance;

(c) The periods for which children are held in pretrial detention are very lengthy and that children held in such detention are often ill-treated by the police and have no access to education;

(d) The number of juvenile courts is particularly low and, despite provision of training of staff, child-friendly approaches are not implemented in the courts and there is a general lack of understanding of the implications and requirements of a specialized system of juvenile justice;

(e) Domestic legislation does not guarantee children the right to legal representation;

(f) Alternatives to detention are lacking;

(g) Children are not separated from adults throughout all stages of the judicial process;

(h) Data on children who have come into conflict with the law are scarce.

46. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards, and, in particular, to:**

(a) **Expeditiously raise the age of criminal responsibility to an internationally accepted standard and give the child the benefit of the doubt in the context of punishment where there is conflicting, inconclusive or uncertain evidence of the child's age;**

(b) **Promptly take measures to adopt and implement the Children (Judicial Protection) Bill, which will apply to all children aged up to 18 years;**

(c) **Adopt a comprehensive policy for juvenile justice, based on restorative practices and guided by the right of the child to have his or her best interests taken into account as a primary consideration;**

(d) **Expeditiously establish specialized juvenile court facilities and procedures, with adequate human, technical and financial resources, appoint specialized judges for children and ensure that they receive appropriate training;**

(e) **Ensure the provision of qualified, independent and, if necessary, free legal aid to children in conflict with the law at an early stage of and throughout legal proceedings;**

(f) **Promote non-judicial measures in the case of children accused of criminal offences, such as diversion, mediation and counselling, and wherever possible, use alternative measures at sentencing, such as probation or community service;**

(g) **Ensure that detention, including pretrial detention, is used as a measure of last resort only and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal, and ensure that detention is not used for petty offences;**

(h) **With regard to cases where detention is unavoidable and to transportation to and from court, ensure that the children are not detained together with adults and that detention conditions comply with international standards, including concerning education and health services;**

(i) **Provide data on children in conflict with the law in its next periodic report.**

Reconciliation, truth and justice

47. While welcoming the undertaking made by the State party during the recent universal periodic review process to implement its commitments under Human Rights Council resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka, the Committee is concerned about the slow pace of progress in relation to the implementation of those commitments. In particular, it is concerned that:

(a) The number of missing children or persons who were children during the conflict remains high, including children who have surrendered and been sent for rehabilitation and that the Office of Missing Persons, established in 2016, has not yet been operationalized;

(b) Many persons who recruited and used children during the armed conflict continue to enjoy impunity and paramilitary leaders allegedly responsible for killings, abductions and widespread recruitment of child soldiers continue to hold public positions.

48. **The Committee urges the State party to meet its commitments arising from Human Rights Council resolution 30/1 in an effective and timely manner, while ensuring that children and those who were children at the time of the armed conflict be given a voice in the national reconciliation and transitional justice processes and be supported as victims, witnesses or claimants. In particular, the Committee urges the State party to:**

(a) **Strengthen its efforts to operationalize a fully independent Office of Missing Persons, focusing in particular on addressing cases of individuals who went missing as children at the time of the armed conflict and who are still missing; and**

(b) **Ensure that all persons responsible for the recruitment and use of children during the course of the armed conflict are brought to justice.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

49. **The Committee recalls its previous recommendation (see CRC/C/OPAC/LKA/CO/1, para. 39) and urges the State party to:**

(a) **Consider formalizing its commitment not to prosecute children or persons who, as children, were involved in the armed conflict;**

(b) **Provide psychological support to former child combatants to address trauma and other mental health issues and to children who have been internally displaced and/or deprived of a family environment owing to violence and/or enforced disappearance;**

(c) **Ensure that all schools currently run by the military are transferred back under the control of the Ministry of Education;**

(d) **Ensure that training of the National Cadet Corps does not include active service;**

(e) **Consider acceding to the Protocols additional to the Geneva Conventions and the Rome Statute of the International Criminal Court.**

J. Ratification of the Optional Protocol to the Convention on a communications procedure

50. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

K. Ratification of international human rights instruments

51. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:**

(a) **The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;**

(b) **The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;**

(c) **The Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

IV. Implementation and reporting

A. Follow-up and dissemination

52. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. National mechanism for reporting and follow-up

53. **The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated with coordinating and preparing reports to and engaging with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.**

C. Next report

54. **The Committee invites the State party to submit its seventh periodic report by 10 August 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

55. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**